

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS

IN RE:)	
)	
ANGELA MONIQUE LaFOND,)	Bankruptcy Case No. 03-91303
ROSE H. CADLE,)	Bankruptcy Case No. 03-92436
LISA LYNN ROSE,)	Bankruptcy Case No. 03-92518
RICHARD JOHN SILLS,)	Bankruptcy Case No. 03-92841
WILLIE E. LEE,)	Bankruptcy Case No. 03-92842
MARIO R. VILLALOBOS and)	
VICTORIA VILLALOBOS,)	Bankruptcy Case No. 03-92843
)	
Debtors.)	

OPINION

These matters having come before the Court for a continued hearing on Motion to Disgorge Attorney Fees and Bar Counsel's Practice Before the Federal Bankruptcy Courts filed by the Office of the United States Trustee on October 1, 2003; the Court, having heard arguments of the parties, reviewed the Brief and Memorandum of Law in Support of Suspending Attorney from Practicing in Bankruptcy Court filed by the United States Trustee, and being otherwise fully advised in the premises, makes the following findings of fact and conclusions of law pursuant to Rule 7052 of the Federal Rules of Bankruptcy Procedure.

The Office of the United States Trustee filed the instant Motion on October 1, 2003. This Motion was originally scheduled for hearing on November 13, 2003, at which time Sabrina M. Petesch appeared as attorney for the Office of the United States Trustee and Alonzo Q. Brown appeared on his own behalf and on behalf of the Debtors at the hearing. Based upon the evidence gathered from the Debtors and evidence which the Court had previously heard in numerous other cases in which Attorney Alonzo Q. Brown was the attorney of record, the Court ordered a partial refund of attorney fees to each of the above-captioned Debtors. Additionally, the Court ordered the Office of the United States Trustee to submit a memorandum of law within 14 days showing what authority this Court has to bar

Attorney Alonzo Q. Brown from continuing to practice before the federal bankruptcy court. Attorney Brown was allowed 14 days thereafter to respond.

On November 26, 2003, the Office of the United States Trustee filed a Brief and Memorandum of Law in Support of Suspending Attorney from Practicing in Bankruptcy Court. Attorney Brown did not file a response. A review of the legal authority cited by the Office of the United States Trustee leads the Court to conclude that it does have the authority to suspend an attorney from practicing before the bankruptcy courts of this District. The Supreme Court, in Chambers v. NASCO, Inc., 501 U.S. 32, 11 S.Ct. 2123 (1991), held that a federal court has the inherent power to control admission to its bar and to discipline attorneys who appear before it. As a federal court, a bankruptcy court also has the inherent power to sanction by suspension or disbarment any attorney who appears before it. In re Disciplinary Proceedings, 282 B.R. 79 (1st Cir. 2002). Authority further exists under 11 U.S.C. § 105(a), which states: "The court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title." Numerous cases have held that Section 105 can be used to deny attorneys the privilege of practicing before a court. See: In re MPM Enterprise, Inc., 231 B.R. 500 (D.Ct. E.D. N.Y. 1999); In re Gunn, 171 B.R. 517 (Bankr. E.D. Pa. 1994); and In re Computer Dynamics, Inc., 253 B.R. 693 (E.D. Va. 2000). The Seventh Circuit Court of Appeals has consistently held that bankruptcy courts' decisions to impose sanctions are valid. In re Hancock, 192 F.3d 1083 (7th Cir. 1999); and In the Matter of Maurice, 69 F.3d 830 (7th Cir. 1995).

The records of the above-captioned proceedings, together with the records of numerous other cases in which Attorney Alonzo Q. Brown has appeared as attorney of record for Debtors clearly establish that Attorney Alonzo Q. Brown has utterly failed to properly represent the vast majority of his clients. Evidence presented before this Court establishes that Attorney Brown is guilty of the following deficiencies in his representation of his clients: (a) repeated failure to return debtors' phone calls; (b) excessive delay in filing cases resulting

in loss of assets to foreclosure and garnishment of wages; (c) consistent pattern of failing to hold his clients' funds in trust resulting in Dismissal Notices and actual dismissals of his clients' cases; (d) failure to actually meet with his clients to discuss their financial situation and various options as is required by the Bankruptcy Code; (e) failure to review the actual Bankruptcy documents with his clients to be certain they understood the questions they were being asked under penalties of perjury; (f) repeated filing of false Rule 2016 Statements; (g) failure to represent his clients at the First Meeting of Creditors; (h) failure to supply his clients with copies of their Bankruptcy Petition, Schedules, and Statement of Financial Affairs which were filed with the Court; (i) failure to comply with Bankruptcy Court Orders; (j) arm-twisting or blackmailing of his clients into signing false receipts in an attempt to prove compliance with Court Orders; (k) introduction of false documents into evidence before the Federal Bankruptcy Court in an effort to show compliance with this Court's Orders in five cases disgorging his fees; and (l) in one case, failure to turn over \$2,100 of his clients' funds to a secured creditor to cure the arrearage on their home, which monies had been given to Attorney Brown in trust for that specific purpose.

Pursuant to the Illinois Rules of Professional Conduct adopted by the United States District Court for the Central District of Illinois in its Local Rules, evidence has been presented that has demonstrated Attorney Brown's violation of the following Rules of Professional Conduct:

Rule 1.15(a) requires a lawyer to maintain and appropriately safeguard funds belonging to a client or a third person and hold the funds separate from the lawyer's own property.

Rule 1.3 requires a lawyer to act with reasonable diligence and promptness in representing a client.

Rule 1.4(a) requires a lawyer to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

Rule 3.3(a)(1) is violated when a lawyer makes a statement of material fact of law to a tribunal which the lawyer knows or reasonably should know is false.

Rule 7.3 is violated when a lawyer's significant motive for solicitation of professional employment is the lawyer's pecuniary gain.

Rule 8.4(a)(4) is violated when a lawyer engages in conduct involving dishonesty, fraud, deceit or misrepresentation.

Rule 8.4(a)(5) is violated when a lawyer engages in conduct that is prejudicial to the administration of justice.

Supreme Court Rule 771 is violated when a lawyer engages in conduct which tends to defeat the administration of justice, or to bring the courts or the legal profession into disrepute.

In conclusion, the Court finds that, under the clear evidence before it, it is appropriate that this Court suspend Attorney Alonzo Q. Brown from entering his appearance in new bankruptcy cases until such time as the outcome is determined in a 21-count Complaint pending before the hearing board of the Illinois Attorney Registration and Disciplinary Commission against Alonzo Q. Brown (Commission No. 03SH2) and, ultimately, the Illinois Supreme Court. Although Attorney Brown will not be allowed to file any new cases before this Court, he is still under the jurisdiction of this Court in all cases in which he has previously entered his appearance on behalf of bankruptcy individuals.

ENTERED: December 17, 2003.

GERALD D. FINES
Chief United States Bankruptcy Judge

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ORDER

For the reasons set forth in an Opinion entered on the 17th day of December 2003;

IT IS HEREBY ORDERED that:

A. Attorney Alonzo Q. Brown is barred from filing any new bankruptcy cases in the Federal Bankruptcy Courts in the Central District of Illinois, and is barred from advertising bankruptcy services of any nature in any medium until the outcome is determined in a 21-count Complaint pending against Attorney Alonzo Q. Brown before the hearing board of the Illinois Attorney Registration and Disciplinary Commission (Commission No. 03SH2) and, ultimately, the Illinois Supreme Court; and,

B. Attorney Alonzo Q. Brown is still required to appear in Court on all matters in cases presently pending in the Central District of Illinois where he is the attorney of record for debtors.

ENTERED: December 17, 2003.

GERALD D. FINES
Chief United States Bankruptcy Judge

COPY OF OPINION AND ORDER SENT TO:

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DATED: December 17, 2003.

Deputy Clerk